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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,351	12/13/2003	Xiong Sha Yang	Y366-002-PAT	3579
7590 Angenehm Law Firm, Ltd. P.O. Box 48755 Coon Rapids, MN 55448-0755			EXAMINER SAN MARTIN, EDGARDO	
			ART UNIT	PAPER NUMBER
			2837	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/30/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/734,351	Applicant(s) YANG, XIONG SHA	
	Examiner Edgardo San Martin	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stastny (US 4,817,163).

With respect to claims 1, 2, 9 and 20, Stastny teach a speaker (Fig.3, Item 17) and grill (Fig.3, Item 23), comprising a speaker horn (Fig.3, Item 18) disposed within a speaker box; a rim (Fig.1, Item 7) joined to the speaker box; a motor (Fig.1, Item 11) support joined to the rim; a rim cover (Fig.1 and 3, Items 3 and 23) disposed about the rim; a rotatable shaft (Fig.3, Item 25), the motor joined to the motor support and adapted to rotate the rotatable shaft (Fig.3); a power source joined to the motor, the power source powering the motor; and a rotatable cover (Fig.1 and 3, Items 4 and 22) joined to the rotatable shaft (Figs.1 and 3; Col.1, Line 65 – Col.3, Line 57), but fails to disclose wherein the motor is joined to a rotatable shaft, and wherein the rotatable cover is an outer cover.

On the other hand, the Examiner considers that it would have been an obvious matter of design choice to join the motor to the rotatable shaft and to provide a motor support having a central aperture frame and spokes, the spokes joining the central aperture frame to the rim, the central aperture frame defining a central aperture, the

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motor being joined to the central aperture frame and the motor selectively rotating the rotatable shaft, and to provide the rotatable outer cover because it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70; any person with ordinary skill in the art would acknowledge that such modification would not depart from the scope and spirit of the Stastny invention.

With respect to claims 3 – 7, 10, 17 and 18, Stastny teaches the limitations described in the claims (Fig.1; Col.1, Line 65 – Col.2, Line 57). Regarding claims 7, 10, 17 and 18, the Examiner has given little patentable weight, not yielding to a level sufficient for patentable distinction, to the abovementioned limitations and claims because they do not change or alter the utility, efficiency, functionality or performance of the speaker system, they are just merely aesthetic changes. See MPEP 2144.04

With respect to claim 8, Stastny teaches a motor (Fig.1, Item 11) joined to a rim (Fig.1, Item 7).

With respect to claims 11 and 19, Stastny teaches further including a light source (Figs.1 and 3, Items 13 and 26), the light source joined to the rim (Col.3, Lines 58 – 64).

With respect to claim 12, Stastny teaches wherein the shaft (Fig.3, Item 25) is rotatable (Col.3, Lines 29 – 57).

With respect to claims 13 – 16, Stastny teaches the limitations described in the claims (Fig.1; Col.1, Line 65 – Col.2, Line 57).

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The Examiner still considers that the patent to Stastny still teaches the limitations described in the claims, as discussed above.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

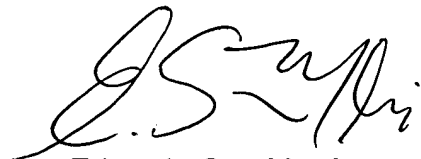
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Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martín whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-2800 ext.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edgardo San Martín
Primary Examiner
Art Unit 2837
Class 181
March 23, 2007